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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,588	06/16/2006	Guohong Xie	P22626	8114

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EXAMINER
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MITCHELL, JASON D

ART UNIT	PAPER NUMBER
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2193

NOTIFICATION DATE	DELIVERY MODE
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08/17/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

krvuspto@ipmatters.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,588	<b>Applicant(s)</b> XIE ET AL.	
	<b>Examiner</b> Jason D. Mitchell	<b>Art Unit</b> 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/26/10;6/1/09;8/12/08;9/8/06;6/16/06</u> .                   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to an application filed on 6/16/06.

Claims 1-39 are pending in this application.

### ***Drawings***

**Figure 11 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.** See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-6, 14-19, 21, 27-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claim 1** recites “the local device used by the base computer” in lines 6-9. There is insufficient antecedent basis for this limitation in the claim. For the purposes of this examination, the term will be treated as referring to the “local storage” recited in line 3.

**Claims 2-6** depend from claim 1 and are likewise rejected.

**Claim 14** recites “the local device [of] the base computer” in lines 7-8. There is insufficient antecedent basis for this limitation in the claims. For the purposes of this examination, the term will be treated as referring to the "local storage" recited in line 3.

**Claims 15-19** depend from claim 14 and are likewise rejected.

**Claim 21** recites the limitation "the intercepted write" in line 1. There is insufficient antecedent basis for this limitation in the claim. As currently presented claim 21 depends from claim 19. It is believed this is the result of a typographical error and that claim 21 was intended to depend from claim 20. This is the understanding which will be used in this examination.

**Claim 27** recites “the local device used by the base computer” in line 6. There is insufficient antecedent basis for this limitation in the claims. For the purposes of this examination, the term will be treated as referring to the "local storage" recited in line 3.

**Claims 28-32** depend from claim 14 and are likewise rejected.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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**Claims 27-39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**Claim 27** is not limited to statutory embodiments. In view of Applicant's disclosure, specification par. [0031] the claimed medium is not limited to statutory embodiments, instead being defined as including both statutory embodiments (e.g., "e.g. hard disk drives, floppy disks, tape, etc.") and non-statutory embodiments (e.g., "transmission signals"). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

**Claims 28-32** depend from claim 27 and are likewise rejected.

**Claims 33-39** are also directed to "An article of manufacture" and are rejected for the same reasons as claims 27-32.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0157089 to Patel et al. (Patel).**

**Claims 1, 14 and 27:** Patel discloses a method to create an image to deploy to client computers that communicate over a network, comprising:

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installing a program with a base computer, having a local storage (par. [0459] “The ApplInstallBlock is created offline ... the Builder monitors the installation process of a local version of the application”), wherein the base computer is adapted to access to a shared folder accessible to the client computers over a network, wherein installing the program adds files for the program to the shared folder (par. [0460] “The ApplInstallBlock and runtime data are ... uploaded to the application server”) and modifies the local device used by the base computer (par. [0459] “the Builder monitors ... environment variables added or removed from the system 3103”), and

wherein installing the program enables the base computer to run the program by accessing the program files in the shared folder (par. [0269] “distribute a single, fixed image across all servers.);

creating an image of the local device of the base computer including the installed program (par. [0459] “The ApplInstallBlock is created offline ... the Builder monitors the installation process of a local version of the application”); and

providing the image to the client computers to apply to local devices of the client computers, wherein applying the image to the local devices of the client computers enables the client computers to access the program files in the shared folder to run the program (par. [0460] “the ApplInstallBlock is sent by the server to the client ... to make the machine ready for streaming that particular application”).

**Claims 2, 15 and 28:** The rejections of claims 1, 14 and 27 are incorporate; further Patel discloses modifying the local device comprises modifying configuration settings for

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the base computer stored in the local device and adding files to the local device (par.

[0459] "the Builder monitors ... environment variables added or removed from the system 3103, and any files added or modified in the system directories 3102").

**Claims 3, 16 and 29:** The rejections of claims 1, 14 and 27 are incorporated; further Patel discloses the program comprises a first program, further comprising:

installing a second program on the base computer to the shared folder, wherein installing the second program adds files for the second program to the shared folder and modifies memory of the base computer (par. [0459] "The AppInstallBlock is created offline ... the Builder monitors the installation process of a local version of the application"), and wherein installing the second program enables the base computer to run the second program by accessing the program files in the shared folder ([0539] "This data includes the code to start and terminate the application");

determining writes to the base computer memory during installation of the second program on the base computer (par. [0459] "The AppInstallBlock is created offline ... the Builder monitors the installation process of a local version of the application"); and

providing the determined writes to the client computers to apply to the client computers, wherein the writes applied to the base computer memory during the installation of the second program are applied to the client computers, and wherein applying the writes to the client computers enables the client computers to access the second program files in the shared folder to run the second program (par. [0460] "the

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AppInstallBlock is sent by the server to the client ... to make the machine ready for streaming that particular application”).

**Claims 4, 17 and 30:** The rejections of claims 1, 14 and 27 are incorporated; further Patel discloses:

setting the shared folder to read-only after installing the program to the shared folder (par. [0214] “Application file servers may be protected against writing by client machines ... will not allow any data to be written to files that are marked as not modifiable”).

**Claims 5, 18 and 31:** The rejections of claims 1, 14 and 27 are incorporated; further Patel discloses the image includes a driver that when loaded into the client computers causes the client computers to perform:

intercepting a write request to a requested shared file in the shared folder;  
generate a mapping of the shared file to a local copy of the shared file in a local device;  
and applying the write to the local copy of the shared file (par. [0258] “writes being disallowed or handled on the client itself in a copy-on-write manner”; Fig. 16).

**Claims 6, 19 and 32:** The rejections of claims 1, 14 and 27 are incorporated; further Patel discloses the image includes a driver that when loaded into the client computers causes the client computers to perform:



intercepting a read request to a requested shared file in the shared folder (par. [0195] “file system 803 will satisfy requests for application code or data”);

determining whether there is a mapping of the requested shared file to a local copy of the requested shared file (par. [0134] “If it does not have the bits cached, it gets them from the Application Server 107”; par. [0142] “File Spoof Database 210--The list of files the requests to which need to be redirected to the Client Streaming File System 212”);

accessing data for the read request from the local copy of the requested shared file in response to determining that there is the mapping of the requested shared file to the local copy (par. [0195] “file system 803 will satisfy requests for application code or data by retrieving it from its special cache stored in a native file system”); and

accessing data for the read request from the requested shared file in the shared folder over the network in response to determining that there is no mapping of the requested shared file to the local copy (par. [0195] “file system 803 will satisfy requests for application code or data or by retrieving it directly from the streaming application server 802”).

**Claims 7, 20 and 33:** Patel discloses a method for accessing shared files in a shared folder over a network, comprising:

enabling access to the shared folder accessible over the network (par. [0142] “the application Server to only service read requests”);

intercepting a write directed to one of the shared files in the shared folder (par. [0258] “writes being disallowed or handled on the client itself in a copy-on-write manner”);

generating a mapping of the shared file to a local copy of the shared file in a local device (par. [0142] “File Spoof Database 210--The list of files the requests to which need to be redirected to the Client Streaming File System 212”); and

applying the write to the local copy of the shared file (par. [0258] “writes being disallowed or handled on the client itself in a copy-on-write manner”; also see e.g. Fig. 16).

**Claims 8, 21 and 34:** The rejections of claims 7, 20 and 33 are incorporated; further, Patel discloses wherein the write to the local copy in the local device includes only a portion of the shared file, wherein the shared file and the local copy of the shared file comprises of a plurality of segments, and wherein applying the write comprises:

applying the write to update at least one of the segments of the local copy shared (Fig. 16, File 3 1608, pages 1 and 3 and associated text e.g. par. [0212]).

**Claims 9, 22 and 35:** The rejections of claim 7, 20, 33 are incorporated; further Patel discloses:

receiving a read request to a requested shared file in the shared folder (par. [0195] “file system 803 will satisfy requests for application code or data”);

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determining whether there is a mapping of the requested shared file to a local copy of the requested shared file (par. [0134] "If it does not have the bits cached, it gets them from the Application Server 107");

accessing data for the read request from the local copy of the requested shared file in response to determining that there is the mapping of the requested shared file to the local copy (par. [0195] "file system 803 will satisfy requests for application code or data by retrieving it from its special cache stored in a native file system"); and

accessing data for the read request from the requested shared file in the shared folder over the network in response to determining that there is no mapping of the requested shared file to the local copy (par. [0195] "file system 803 will satisfy requests for application code or data or by retrieving it directly from the streaming application server 802").

**Claims 10, 23 and 36:** The rejections of claims 9, 22 and 35 are incorporated; further Patel discloses:

generating a mapping of the requested shared file to a local copy of the requested shared file in the local device in response to determining that there is no mapping of the requested shared file to the local copy (par. [0142] "File Spoof Database 210--The list of files the requests to which need to be redirected to the Client Streaming File System 212"); and

copying the accessed data from the requested shared file to the local copy of the shared file (par. [0134] “Client Cache Manager 207—This component caches the application bits received from the Application Server 107”).

**Claims 11, 24 and 37:** The rejections of claims 10, 23 and 36 are incorporated; further Patel discloses the accessed data comprises one of a plurality of segments of the requested shared file, and wherein copying the accessed data to the local copy of the requested shared file comprises copying the accessed segment to the local copy of the shared file in the local device (Fig. 16, Cache 1602).

**Claims 12, 25 and 38:** The rejections of claims 11, 24 and 37 are incorporated; further Patel discloses the read request is for requested data in one of the segments of the requested shared file, further comprising:

determining whether the local copy of the requested shared file includes the segment having the requested data in response to determining that there is the mapping of the requested shared file to the local copy (par. [0134] “If it does not have the bits cached, it gets them from the Application Server 107”);

accessing data from the segment including the requested data in the requested shared file in the shared folder over the network (par. [0134] “If it does not have the bits cached, it gets them from the Application Server 107”);

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returning the requested data from the accessed segment; and storing the accessed segment in the local copy of the requested shared file (par. [0134] “If it does not have the bits cached, it gets them from the Application Server 107”).

**Claims 13, 26 and 39:** The rejections of claims 12, 25 and 38 are incorporated; further Patel discloses storing the accessed segment in the local copy further comprises:

determining whether the local copy includes data for the accessed segment (par. [0134] “If it does not have the bits cached, it gets them from the Application Server 107”);

applying the data in the local copy to the accessed segment to form a modified segment in response to determining that the local copy includes data for the accessed segment (Fig. 16, File 3 1608, pages 1 and 3);

storing the modified segment in the local copy in response to forming the modified segment (Fig. 16, File 3 1608, pages 1 and 3); and

storing the accessed segment in the local copy in response to determining that the local copy does not include data for the accessed segment (par. [0134] “If it does not have the bits cached, it gets them from the Application Server 107”; Fig. 16, File 3 1608, pages 1 and 3).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Mitchell whose telephone number is (571)272-

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3728. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bullock Lewis can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason D. Mitchell/  
Primary Examiner, Art Unit 2193